

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see page 12 of the Appeal Brief filed 4 September 2007, with respect to the rejection of claims 1 and 2 under 3 U.S.C. §112, first and second paragraph have been fully considered and are persuasive. The §112 rejections of claims 1 and 2 have been withdrawn.
2. Applicant's arguments with respect to the rejection of claims 1-16 under 35 U.S.C. §103(a) have been considered but are moot in view of the Examiner's Amendment presented herein.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David Muzilla (50914) on 27 May 2008.

The application has been amended as follows:

In claim 1, line 16, replace "the interatrial conduction time" with --an interatrial conduction timer to create a predetermined A_R - A_L time interval--.

In claim 2, line 16, replace "the interatrial conduction time" with --an interatrial conduction timer to create a predetermined A_R - A_L time interval--.

Allowable Subject Matter

4. Claims 1-16 are allowed.
5. The following is an examiner's statement of reasons for allowance:

Regarding independent claims 1 and 2, the prior art fails to disclose a biatrial triple-chamber pacemaker comprising a stimulation unit actuated with regard to an interatrial conduction time such that an atrial sense event in a first atrium triggers a device-driven timer to create an interatrial time variable prior to stimulation of the second atrium, and wherein the second atrium is not stimulated if a ventricular sense event occurs within an adjoining crosstalk window or during an upper tracking interval mode.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher A. Flory whose telephone number is (571) 272-6820. The examiner can normally be reached on M - F 8:30 a.m. to 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes can be reached on (571) 272-4955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher A. Flory
13 June 2008

/George Manuel/
Primary Examiner